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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,120	08/18/2003	David H. Sprogis	5014CON2	3480

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EXAMINER	
CARLSON, JEFFREY D	
ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/643,120	SPROGIS, DAVID H.	
	Examiner	Art Unit	
	Jeffrey D. Carlson	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the paper(s) filed 2/5/2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (6,141,530) in view of Zigmond et al (6,698,020)

Regarding claims 1, 3, 5, 7, 8, Rabowsky discloses a system and method for providing advertisement information to an audience. In particular, Rabowsky teaches that cinema files are digitized and distributed to theaters electronically for playback. A automated scheduling system is provided in order to automatically play selected advertising with the actual timed movie showings as an assembled presentation [abstract, 1:61 to 2:5, 7:37-49, 12:8-29]. Rabowsky is taken to provide an enabling disclosure for compiling and assembling a presentation data package (ads + movie) at the headend. Rabowsky states the ability to request headend changes such as insertion of ads targeted to the theater location, yet it is not clear whether the targeted ads are manually or automatically selected and compiled. While Rabowsky teaches the ability to compile a collection of scheduled ads and the movie for each showing, he does not teach how and which particular ads are chosen for inclusion into the compiled

presentation data package. While Rabowsky's movie advertising schedule is clearly automated in terms of playback, he lacks specific teachings for automating the selection of scheduled ads; it is unclear how the ads are chosen for inclusion in the schedule. Zigmond et al teaches a system where video programming is provided with selected targeted advertising. Zigmond et al teaches that conventional prior art systems choose targeted ads based upon location [2:40-43] and that targeted ads can also be selected based upon the content of the video programming, location of the showing, characteristics of the viewer, local time, etc. and then subsequently displayed at the appropriate time [4:25-48]. This selection is accomplished by automatically comparing criteria (that has been entered/input and stored) regarding the audience, showing location and matching that with (input and stored) advertisement metadata/criteria representing the type of audience, type of location, etc. desired by each stored advertisement submitted by the advertiser [col 10-12]. This provides a system whereby job requests are submitted and the system automatically selects appropriately targeted ads for each movie showing. It would have been obvious to one of ordinary skill at the time of the invention to have created the advertising schedule of Rabowsky using similar techniques (matching stored context metadata concerning the movie content, its showing location and time with stored metadata describing each stored advertisement) so that an appropriate subset of the advertisement collection can be associated and compiled with each actual movie showings. This would provide a more compelling advertisement experience likely to be more well received by the audience than untargeted ads, and would provide a system whereby administrators only need to

specify targeting parameters/context/metadata rather than manually build each presentation data package for every movie showing. Rabowsky further discloses that the scheduling system includes scheduling and playout of all trailers and data files (e.g. advertisements)(col 12, lines 8-28). While it is not explicitly disclosed that more than one job request is associated with an actual movie showing, nor that more than one actual movie showing is associated with a job request, Official Notice is taken that it is old and well known for theaters having plural projectors to display a plurality of advertisements and trailers while the audience is waiting for each projector/theater's actual movie showing to start. Likewise, it is old and well known that theaters present many of the same advertisements (e.g. advertising the theater's concession stand) and trailers to audiences awaiting the start of different actual movie showings. Therefore, it would have been obvious to one having ordinary skill in the art to select a plurality of job request for each actual movie showing for each of a plurality of projectors/theaters and to select a plurality of actual movie showings for each job request in Rabowsky. One would have been motivated to select more than one advertisement per actual movie showing in order to keep the audience entertained for the 5-30 minutes they are awaiting the start of the actual movie showing. One would have been motivated to select more than one actual movie showing per job request in order to preclude the need to make unique advertisements and trailers for every possible actual movie showing. In other words, there would only need to be one advertisement for the theater's concession stand, not a unique one for each actual movie showing. Official Notice is taken that it is common within the movie industry to present the

advertisements, trailers, previews, etc. before showing the actual movie. This is done to ensure that the greatest number of people view this information since many people will leave the theater as soon as the movie credits begin to roll at the end of the movie. It also would make no business sense to display an advertisement for the theater's concession stand at the end of the movie. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to display the non-cinema data *in advance* of the movie showing. One would have been motivated to do this for the reasons discussed above.

Regarding claims 2, 6, it would have been obvious to one of ordinary skill at the time of the invention to have automatically assembled the advertisements with consideration for duration parameters, so that the system does not create an endless, nearly endless, or overly-lengthy advertising prior to the movie. No cinema with and business sense would provide hours of advertising prior to the movie showing; therefore it would have been obvious to one of ordinary skill at the time of the invention to have set time limits for the entirely of the ads by restricting a summation of each ad duration.

Regarding claim 4, Official Notice is taken that users are typically notified that requests submitted to a computer system have been properly received. It would have been obvious to one of ordinary skill at the time of the invention to have notified the job-requesting users that their requests have been properly received by the system so that the users can be confident the requests were not lost or malformed.

Response to Arguments

Applicant argues that Rabowsky compiles the trailer at the headend, but does not teach how the trailer is compiled. Applicant points out that the invention includes accessing information responsive to two sets of information (context data and show schedule) as well as assembly of the presentation data. The rejection contemplates a modified system which automatically selects a subset of ads according to several (i.e. two sets of information) matching criteria. Examiner has included a more detailed description of the basis for the rejection as follows regarding these two points:

Rabowsky is taken to provide an enabling disclosure for compiling and assembling a presentation data package (ads + movie) at the headend. Rabowsky states the ability to request headend changes such as insertion of ads targeted to the theater location, yet it is not clear whether the targeted ads are manually or automatically selected and compiled. While Rabowsky teaches the ability to compile a collection of scheduled ads and the movie for each showing, he does not teach how and which particular ads are chosen for inclusion into the compiled presentation data package. While Rabowsky's movie advertising schedule is clearly automated in terms of playback, he lacks specific teachings for automating the selection of scheduled ads; it is unclear how the ads are chosen for inclusion in the schedule. Zigmond et al teaches a system where video programming is provided with selected targeted advertising. Zigmond et al teaches that conventional prior art systems choose targeted ads based upon location [2:40-43] and that targeted ads can also be selected based upon the content of the video programming, location of the showing, characteristics of the viewer, local time, etc. and then subsequently displayed at the appropriate time [4:25-48]. This selection is accomplished by automatically comparing criteria (that has been entered/input and stored) regarding the audience, showing location and matching that with (input and stored) advertisement metadata/criteria representing the type of audience, type of location, etc. desired by each stored advertisement submitted by the

advertiser [col 10-12]. This provides a system whereby job requests are submitted and the system automatically selects appropriately targeted ads for each movie showing. It would have been obvious to one of ordinary skill at the time of the invention to have created the advertising schedule of Rabowsky using similar techniques (matching stored context metadata concerning the movie content, its showing location and time with stored metadata describing each stored advertisement) so that an appropriate subset of the advertisement collection can be associated and compiled with each actual movie showings. This would provide a more compelling advertisement experience likely to be more well received by the audience than untargeted ads, and would provide a system whereby administrators only need to specify targeting parameters/context/metadata rather than manually build each presentation data package for every movie showing.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey D. Carlson/
Primary Examiner, Art Unit 3622

Jeffrey D. Carlson
Primary Examiner
Art Unit 3622